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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,537	12/21/2001	Martyn Ryder	1650-003	4706

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,537

Applicant(s)

RYDER, MARTYN

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4. 6) ☐ Other: \_\_\_\_\_

***Specification***

1. The disclosure is objected to because of the following informalities: page 9 second paragraph line 1 "ore" is improper. Should it be "or"?
2. The disclosure is objected to because of the following informalities: page 11, "Brief Description of the Drawings" is lacking the brief description of figures 1a-1c.

Page 11 line 13 "Figure 1" is improper. Should it be "figure 2a"?

Appropriate correction is required.

***Drawings***

3. Figure 1a-1c should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "front sheet 3" in page 11 line 7 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 line 3 "optionally a second side" is indefinite. The language is confusing the scope of the claim.

Line 4 "which " is indefinite. It is unclear what " which" represents.

**The claims are examined as best understood.**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-7, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Szatmary (5997399).

Szatmary shows a containment assembly comprising a powder handling booth (10) having a rear wall (26, figure 2 top) a floor (28, working floor), an upper surface (16), a barrier means (48 and 26 bottom figure 2) at least a first part (46, 44) of which is composed of flexible material, the barrier means being positioned in the powder handling booth and spaced apart from the rear wall (by the spacer and supports 49) to define a processing zone between the barrier means and the rear wall, the first part of the barrier means being adapted to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone,

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more than the first part of the barrier means being composed of flexible material (figure 2 shows first, second, third, and fourth parts 44, 46), the barrier means (48) being a screen barrier (screen: Webster → something that shelters, protects or hides), the screen barrier being a curtain-type screen barrier (curtain: Webster → a device that conceals or acts as a barrier), the barrier means being an enclosure barrier (figure 4), the enclosure barrier consists essentially of a front sheet (26, figure 2 bottom), a first side sheet (48 right, figure 2), a second side sheet (48 left figure 2) which when positioned in the powder handling booth spaced apart from the rear wall encloses the processing zone (20), at least the front sheet is adapted to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone (20), the barrier means extends at least between the upper surface (16) and the floor (28, working floor) of the powder handling booth, the barrier means has a lower edge (the lower edge/figure tips of part 44 figure 1) at or near to which the barrier means being untethered and extends into an excess of flexible material, the barrier means being bound within a rigid framework (14, 15, 24) to define a self contained unit, the first part of the barrier means (44, 46) comprises at least one flexible portion in the shape of a glove or at least one flexible portion capable of being deformed into the shape of a glove, the flexible portion terminating in a gloved end (figure 1), the barrier means being at least partially transparent (col 4 line 37), the at least partially transparent flexible barrier means (a part is not claimed to be both transparent and flexible, the barrier can have a part flexible and a part transparent) comprises a transparent window at or near to a typical operator's eye height, the containment assembly is a down flow containment assembly (figure 1) further comprising means for inducing air flow downwardly in the powder handling booth, the rear wall having a lower end (30) and an upper end (figure 1 in contact with part 49) and is adapted at or

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near the lower end to transmit externally an air flow (40) and adapted at or near to the upper end to transmit internally the air flow (40, by the flow fan 22).

3. Claims 1-6, 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Trexler (3348890).

Trexler shows a containment assembly comprising a booth of sufficient size to admit an operator, the booth having a rear wall (28), a floor (42), an upper surface (24), a barrier means (52, figure 4) at least a first part of which is composed of flexible material, the barrier means being positioned in the booth and spaced from the rear wall to define a processing zone between the barrier means and the rear wall (28), the first part (60) of the barrier means being adapted to permit the operator in the booth outside the processing zone to operate inside the processing zone, more than the first part of the barrier means being composed of flexible material (the head or body part of the barrier 52) is composed of flexible material, substantially the whole of the barrier means (52) is composed of flexible material, the barrier means being a curtain type screen barrier (see definition to curtain and screen described above), the barrier means being an enclosure barrier, the barrier means being bound within a rigid framework (34, 38) to define a self contained unit, the first part of the barrier means comprising at least one flexible portion (60) in the shape of a glove, a flexible glove (60) terminating in a gloved end, the barrier means being at least partially transparent (col 3 line 10), transparent window at or near a typical operator's eye height (inherently so as the material is clear).

4. Claims 1-11, 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cares et al (4920768).

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Cares et al shows a containment assembly comprising a powder handling booth (20) of sufficient size to admit an operator (figure 6, 17), the booth having a rear wall (76/77, figure 6), a floor (at the bottom of 24 figure 1), an upper surface (66, figure 3), a barrier means (56, 58, 59) at least a first part of which is composed of flexible material, the barrier means being positioned in the powder handling booth and spaced apart from the rear wall (76/77) to define a processing zone (30) between the barrier means and the rear wall, the first part of the barrier means being adapted to permit the operator in the powder handling booth outside the zone to operate inside the zone, more than the first part of the barrier means being composed of flexible material (col 4 lines 7-10), substantially the whole of the barrier means being composed of flexible material, the barrier means being a curtain type screen barrier (see definition of curtain and screen above), the barrier means being an enclosure barrier, the barrier consisting essentially of a front sheet (62, 59 figure 3), a first side sheet and a second side sheet (figure 4, the sheets on both sides of the gloves) which when positioned in the powder handling booth spaced apart from the rear wall encloses the processing zone, substantially the whole of the front sheet being composed of flexible material, substantially the whole of the first side sheet being composed of flexible material, at least the front sheet is adapted to permit the operator in the booth outside the zone to operate inside the zone, the barrier means extending at least between the upper surface(66) and the floor of the powder handling booth, the barrier means being bound within a rigid framework (24, 46, 60, 64) to define a self-contained unit, the first part of the barrier means comprising at least one flexible portion in the shape of a glove (58), a flexible sleeve terminating in a gloved end, the barrier means being at least partially transparent, the at least transparent flexible barrier means comprising a transparent window at or near to a typical operator's eye height.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different containment assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized circular flourish at the end.

Phi Dieu Tran A  
May 18, 2003